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ORACLE AMERICA, INC.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE, INC.

Defendant.

Case No. CV 10-03561 WHA

**ORACLE AMERICA, INC.'S  
ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL PORTIONS OF MOTION  
TO STRIKE PORTIONS OF THE  
SUPPLEMENTAL EXPERT REPORT OF  
DR. GREGORY K. LEONARD**

Dept.: Courtroom 9, 19th Floor  
Judge: Honorable William H. Alsup

1 Plaintiff Oracle America, Inc. (“Oracle”) hereby moves to file portions of Oracle America,  
 2 Inc.’s Motion to Strike Portions of the Supplemental Expert Report of Dr. Gregory K. Leonard  
 3 (“Motion”), as well as exhibits A, C, D, E, G, and H to the accompanying Declaration of Beko Reblitz-  
 4 Richardson, under seal.

5 Oracle moves to seal material on pages 5, line 26 through page 8, line 9 of the Motion, as well  
 6 as Exhibits D, E, G, and H of the Richardson Declaration in support of that motion. Those materials  
 7 concern Oracle’s business strategy related to its acquisition of Sun Microsystems, Inc. (“Sun”), and  
 8 valuation of particular assets in connection with that acquisition. (Declaration of Andrew Temkin  
 9 Regarding Google, Inc.’s Administrative Motion to File Under Seal (Dkt. No. 717) And Oracle  
 10 America, Inc.’s Filings Of Feb. 24, 2012 (“Temkin Declaration”), ¶¶ 15–17.) In particular, the  
 11 documents concerning valuation efforts, financial analyses, and accounting documents reveal how  
 12 Oracle values particular elements of an acquisition target’s business, and refers to third-party  
 13 accounting documents similar to those that the Court has already held should remain under seal. (*See*  
 14 Dkt. Nos. 186, 203.) Exhibits D and G are highly sensitive examples of such third-party accounting  
 15 documents. Disclosure of this information would cause competitive harm to Oracle. For the reasons  
 16 stated in the Temkin Declaration, that material should remain under seal.

17 The remaining material has been designated by Google, Inc. (“Google”), not Oracle. The Order  
 18 Approving Stipulated Protective Order Subject to Stated Conditions entered in this case (Dkt. No. 68)  
 19 dictates that when material has been designated as Confidential or Highly Confidential – Attorney’s  
 20 Eyes Only, a party may not file it in the public record, but must seek to file it under seal pursuant to  
 21 Local Rule 79-5. (December 17, 2010 Stipulated Protective Order (Docket No. 66) § 14.4.)  
 22 Accordingly, Oracle seeks to file under seal those portions of the motion and declarations in support  
 23 thereof referencing documents that Google has designated Confidential or Highly Confidential –  
 24 Attorneys’ Eyes Only. Oracle states no position as to whether disclosure of materials marked by Google  
 25 as Confidential or Highly Confidential – Attorneys’ Eyes Only material would cause harm to Google.  
 26  
 27  
 28

Dated: February 24, 2012

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Steven C. Holtzman  
Steven C. Holtzman

*Attorneys for Plaintiff*  
ORACLE AMERICA, INC.